**REMARKS-General**

1. The newly drafted independent claim 5 and 15 incorporate all structural limitations of the original claim 1 and include further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 5-24 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

2. With regard to the rejection of record based on prior art, Applicant will advance arguments to illustrate the manner in which the invention defined by the newly introduced claims is patentably distinguishable from the prior art of record. Reconsideration of the present application is requested.

**Response to Rejection of Claims 3-4 under 35USC112**

3. The applicant submits that the newly drafted claims 5-24 particularly point out and distinctly claim the subject matter of the instant invention, as pursuant to 35USC112.

**Response to Rejection of Claims 1-4 under 35USC103**

4. The Examiner rejected claim 1 under 35USC103(a) as being unpatentable over Hasegawa (JP 09176965) in view of Xhmary.com. Pursuant to 35 U.S.C. 103:

"(a) A patent may not be obtained thought the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made."

5. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole**

and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

6. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Hasegawa which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Xhmary.com at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

7. The applicant respectfully submits that claim 1 has been deleted in light of the newly drafted claims 5-24. The rejection should therefore be withdrawn.

8. The Examiner rejected claims 2-4 under 35USC103(a) as being unpatentable over Cao (CN1302718) in view of Wise (US 2,440,562) and Manahan (US 2,026,584). The applicant respectfully submits that the differences between the instant invention and Cao are not obvious in view of Wise and Manahan under 35USC103(a), due to the reasons explained below.

9. Regarding the newly drafted claim 5, Cao and Wise fail to anticipate the step (a) through step (s) recited in the newly drafted claim 5. More specifically, Cao merely discloses a bamboo fiber used as raw material **for building materials**, characterized in that it is a pure and natural crude bamboo fiber having a diameter of 0.04 to *0.5* mm and length greater than 10 mm that does not contain chemical reagents (Cao, claim 1).

10. In Cao, the manufacturing steps comprises the steps of (1) removing the nodes and branches and remove the tapered ends from the raw material bamboo; (2) Use striking or hand processing to cut the thick bamboo culms into bamboo splints of a selected size; (3) **Industrial process for removing the inner layer**: Remove nodes inside the bamboo and the inner layer of bamboo splints with lower fiber content; (4) Use cold roll compacting to form the bamboo splints into thin bamboo splints with the water removed; (5) the thin bamboo splints are boiled and soaked in 100°C ±5°C water to perform sugar removal, fat removal, and sterilization for a period **of no less than 20 min, to convert to bamboo fiber**; (6) after boiling and soaking, the bamboo fiber is dehydrated and dried by machine; (7) Fiber-destruction machinery is used to card the

bamboo fiber into bamboo fiber threads; (8) Bamboo fiber threads are dried to a moisture level lower than 10%; and (9) Filtering industrial process.

11. Thus, it clear that Cao fails to anticipate the step (c) of disposing each of the bamboo strips into a soaking solution containing **a predetermined amount of degumming softening agent** for a predetermined period of time, wherein the degumming softening agent is a natural botanical prescription. Moreover, Cao fails to anticipate the step (d) of boiling the bamboo strips in the soaking solution by a steam boiler at a predetermined of **approximately 150°C**, and a **pressure of approximately 5 kg/cm$^2$** for a predetermined period of **approximately 3 hours** for de-sweetening, degreasing and disinfecting. Cao merely anticipate boiling the bamboo in mere water at a predetermined temperature, which is even different from the temperature disclosed in the instant invention.

12. More importantly, Cao fails to anticipate multiple decomposing and boiling of the bamboo fibers at various conditions recited in steps (e) through (s). Cao merely subject the bamboo to a single boiling step in order to obtain a building material. The applicant respectfully submits that the material property required for a building material and a textile material are entirely different.

13. As a result, Cao is explicit that a suitable quantity of binding agent, filling material, and fire-resistant additives are added and other manufacturing steps performed to create bamboo **fiberboard material and its products**, said products can replace wooden boards and products prepared therefrom. Producing fiberboards are not the objective the instant invention.

14. On the other hands, Wise merely discloses a method of obtaining ramie fiber from ramie stems. The method includes the steps of subject the ramie stems to a steam of a predetermined elevated pressure (Wise, claim 1). However, there is nothing in Wise to disclose that bamboo fibers should be treated following the steps recited in steps (e) through (s). Moreover, Wise is concerned with extracting fiber having certain material strength from ramie stems, but nothing in Wise discloses that bamboo fibers, and especially the very fine fibers obtained through the steps disclosed in the instant invention, can be used in textile industry. Wise merely concerns with how to make fibers from ramie stems less brittle (Wise, Col. 3, Lines 55-61).

15. Regardless of the objectives disclosed in Cao and Wise, the cited references obviously fail to disclose the steps of multiple boiling and gradually decomposing of the fibers into smaller size. Both references cite only a single step in treating the relevant fibers. Thus, the cited references also fail to disclose the various working conditions in subjecting the fibers to multiple treatments.

16. Cao and Wise fail to anticipate the step (m) of adding a predetermined amount of **bleach powders into the soaking solution**, and boiling the very fine fibers in the cooking pot filled with the soaking solution at a temperature of approximately **100$^0$C and a pressure of approximately 3 kg/cm$^2$ for approximately 5 hours**.

17. Both of the cited references fails to disclose that the step (n) of decomposing the very fine fibers manually until a fineness thereof reaches a **predetermined metric counts** while a length of each of the fibers is maintained as the length of the bamboo segments.

18. The Examiner appears to reason that since Cao and Wise teach manufacturing of some sorts of bamboo fibers, it would have been obvious to one skilled in the art to combine Cao with Wise to produce the instant invention. But this is clearly **not** a proper basis for combining references in making out an obviousness rejection of the present claims. Rather, **the invention must be considered as a whole and there must be something in the reference that suggests the combination or the modification**. *See Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984) ("The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination"), *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") In the present case, there is no such suggestion. Cao and Wise perform very different types operations having completely different types of final products.

19. In any case, even combining Cao and Wise would not provide the invention as claimed -- a clear indicia of nonobviousness. *Ex parte Schwartz*, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992), ("Even if we were to agree with the

examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed."). That is, modifying Cao with Wise, as proposed by the Examiner, would not provide the instant invention. At most, the combination would have produce fiberboards produced by the method disclosed in Wise. But the suitability of using the method disclosed in Wise to manufacture fiberboard (a construction material) must be questioned, since it involves substantial experimentations, which MUST satisfy the unobviousness required under 35USC103(a).

20. Indeed, the only mention of the method disclosed in the instant invention is in applicants own specification and claims. Accordingly, it appears that the Examiner has fallen victim to the insidious effect of a hindsight analysis syndrome where that which only the inventor taught is used against the teacher in *W.L. Gore and Associates v. Garlock, Inc.*, 220 USPQ 303, 312-313 (Fed. Cir. 1983) cert. denied, 469 U.S. 851 (1984).

21. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

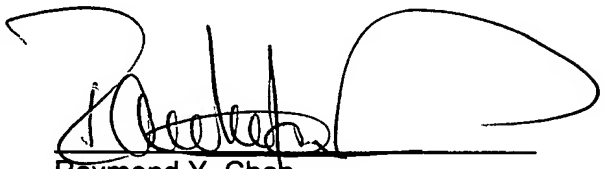
**The Cited but Non-Applied References**

22. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

23. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 5-24 at an early date is solicited.

24. Should the examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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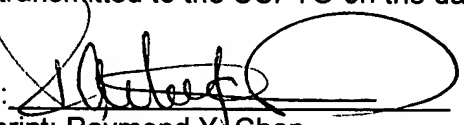
Signature:  Date: 06/25/2009

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